Supreme Court, U. S.
FILED
DEC 3 1980
MICHAEL RODAK, JR., CLERK

80-891

No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1980

LOIS CLEON SHELTON AUBUCHON
Petitioner,

vs.

THE JUDICIAL SYSTEM in the STATE of MISSOURI
and the ATTORNEY GENERAL

PETITION FOR A WRIT OF CERTIORARI, TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

LOIS CLEON SHELTON AUBUCHON
3533 Nebraska
St. Louis, Missouri 63118
(314) 773-3054
Attorney for Myself

St. Louis Law Printing Co., Inc., 411 No. Tenth Street 63101 314-231-4477

QUESTION PRESENTED

Whether I can be ruled an illegitimate child; "nullius filius"; the child of no one by the United States Court of Appeals Eighth Circuit in accordance with the Fourteenth Amendment of the United States Constitution, when the enclosed documents show that my parents abided by the law of Missouri in 1920 (p. A-3) by preparing application and marriage license (p. A-5-A-8), and my father went further to protect me by adopting me in September, 1950 (p. A-8)?

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OPINION BELOW

The opinion of the United States Court of Appeals for the Eighth Circuit was rendered on October 8, 1980 and appears in the Appendix hereto, at pp. A-1-A-2, *infra.*

JURISDICTION

The judgment of the United States Court of Appeals was filed on October 8, 1980, and this petition for certiorari is being filed within (90) days of that date. The jurisdiction of this court is invoked under the Fourteenth Amendment of the United States Constitution.

STATEMENT OF THE CASE

Through the ruling of the United States Court of Appeals Eighth Circuit I have been ruled illegitimate and a nonperson over my father's will which was prepared by the courts of Dent County to be a pickup truck worth $500 (p. A-10).

My parents, Oscar Shelton and Loretta Shults, entered their signed and witnessed application and marriage license (pp. A-5-A-8) on May 1, 1920 in the Holy Bible. The application and marriage license are also recorded in Dent County Mo. Book 138, Page 613-614. There was never a divorce or a legal separation of this marriage between my parents, Oscar and Loretta Shelton, nor did my mother Loretta ever make application or obtain license or go through any marriage ceremony to marry any other man other than my father, Oscar Shelton, until after my father's death.

My father, Oscar Shelton, went further by the Missouri laws to make sure I was his *only child* and his heir by adopting me on September 17, 1950 (p. A-9). (Missouri Statutes 453.010, 453.020, 450.040, 453.120) My father, Oscar Shelton, prepared and delivered a warranty deed in February 1968, (p. A-11), and I tack on my claim of property back from 1853 (pp. A-13-A-14). My father was willed this land by his father Dick Shelton on November 13, 1922. When my father received this land through the will it had a debt of $6,000 (pp. A-15-A-16) on it. My father, Oscar Shelton, paid off this debt and held complete equity therein. He always paid the taxes which were always in his name (p. A-17).

In 1933 my father, Oscar Shelton, completed documents so I could attend high school (p. A-18).

On April 10, 1927 Betty Jane Haverstick was born to Ethel Haverstick at the age of 30 years (p. A-19). And Betty Jane Haverstick died on March 7, 1928. On August 13, 1927 Ethel Haverstick's two brothers, Otho and William Haverstick, and

Brother-in-law Walker, and a W. P. Elmer, a very prominent lawyer in Dent County and a legislator, insisted my father, Oscar Shelton, sign an application for license for marriage (p. A-20). Ethel Haverstick did not sign the application for marriage (p. A-23), nor ever made a written contract to marry my father, Oscar Shelton. The application was not put on any page or in any book in the recorder of deeds (p. A-24). There was no proof of cohabitation between Oscar Shelton and Ethel Haverstick.

The application that was supposed to have been signed by Oscar Shelton, my father, was prepared by Ella Jones, who was not authorized by the State of Missouri to do so (p. A-25), and the application was never recorded in Dent County.

Since I was affiliated with government work since 1939 I have traveled to other countries, and at the present time have a passport (p. A-26).

REASONS FOR GRANTING THE WRIT

I feel since the United States Supreme Court recognized these children against the state's in the following cases that with the information I have enclosed I pray you find I am not an illegitimate child or a nonperson. I pray my rights under the United States Constitution especially the Fourteenth Amendment will be reinstated. Including to be reestablished as a voter by the President of the United States of America, and the Governor of the state in which I live, Missouri. I am taxed without Representation in Government.

Levy, Administratrix v. *Louisiana through the Charity Hospital of Louisiana at New Orleans, Board of Administrators,* (1968) 391 U.S. 68-20 L Ed-43688-SCtI1509;

Pardon ETAL v. *Terminal Railway of Alabama State Docks Department ETAL,* 377 U.S. 184-186-84-SCt. 1207, 1209-12-LEd-2D-233-1964;

Loving ETUXV v. *Virginia,* 388 U.S. 187-SCt. 1817.18 Led 2d-1010-1967;

Skinner v. *Oklahoma,* 316 U.S. 535.541-1942;

Eugenio and Alicia Jimnez ETC Appellant v. *Caspar W. Weinberger, Secretary of Health, Education and Welfare,* 417 US 628.41.L Ed. 2d-363.94 Sct 2496. No. 72-6609 Decided June 19, 1974.

As in the preceding cases I pray there will be a way to reimburse Mr. Ralph L. AuBuchon. As he has been kind enough to help me in my endeaver to regain my identity.

CONCLUSION

For the foregoing reasons it is respectfully submitted that this Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

Lois Cleon Shelton AuBuchon
3533 Nebraska
St. Louis, Missouri 63118
(314) 773-3054
Attorney for Myself having no legal training

APPENDIX

APPENDIX A

United States Court of Appeals
For The Eighth Circuit

No. 80-1314

Lois Cleon Shelton Aubuchon,
Appellant,

v.

State of Missouri,
Appellee.

Appeal from the United States District Court for the
Eastern District of Missouri

Submitted: October 2, 1980
Filed: October 8, 1980

Before ROSS, HENLEY and McMILLIAN, Circuit Judges.

PER CURIAM.

Lois Aubuchon appeals pro se the dismissal of her § 1983 action against the State of Missouri. Aubuchon sought relief and damages from a 1975 state court judgment which she alleges violated her constitutional rights. The state court proceeding involved the probate of her father's estate. During that proceeding a third party successfully challenged the validity of the marriage of Aubuchon's parents. The Circuit Court of Dent County held that Aubuchon failed to establish the existence of a

valid common law marriage between her parents and could not inherit under her father's will.

We affirm the judgment of the district court dismissing Aubuchon's complaint without prejudice to any remedies available to her under state law.

Title 42 U.S.C. § 1983 is directed at individuals acting under *color of state law,* not individual states. The State of Missouri is not a proper party to an action brought under § 1983. *Milton* v. *Nelson,* 527 F.2d 1158 (9th Cir. 1976); *Neal* v. *Georgia,* 469 F.2d 446, 448 (5th Cir. 1971); *Meyer* v. *New Jersey,* 460 F.2d 1252, 1253 (3d Cir. 1972); *Collins* v. *Florida,* 432 F.2d 60, 61 n.5 (5th Cir. 1970); *Stewart* v. *Minnick,* 409 F.2d 826 (9th Cir. 1969). It appears that the only individual Aubuchon could have named *as a party in this action* was the state court judge, who is protected by the doctrine of judicial immunity. *Stump* v. *Sparkman,* 435 U.S. 349 (1978).

Accordingly, we affirm the dismissal of the action by the district court.

A true copy.

Attest: /s/ Robert D. St. Vrain

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.

APPENDIX B

MARRIAGE AND MARRIAGE CONTRACTS
REVISED STATUTES OF STATE OF MISSOURI 1929

Sec. 2976. Marriage may be solemnized by whom.—Marriages may be solemnized by any judge of a court of record or any justice of the peace, or any licensed or ordained preacher of the gospel, who is a citizen of the United States or who is a resident of and a pastor of any church in this state. (R. S. 1919, §7301.)

Note: As to abolition of common law marriages, see following section.

In general.—Solemnization of a marriage is not a judicial act. A justice may perform it anywhere within his jurisdiction. St. Louis v. Sommers, 148 Mo. 398, 50 S. W. 102.

Common-law marriage.—A present agreement between competent parties to live together as man and wife, followed by cohabitation, constitutes a valid common-law marriage without solemnization before a minister or officer. Dyer v. Brannock, 66 Mo. 391; State v. Cooper, 103 Mo. 266, 15 S.W. 327; Topper v. Perry, 197 Mo. 531, 95 S. W. 203. A marriage agreement, *in praesenti,* with intention of present performance, requires no further consummation. Davis v. Stouffer, 132 A. 555, 112 S. W. 282. As to what constitutes a valid common-law marriage, see State v. Cooper, 103 Mo. 266, 15 S.W. 327; Adair v. Mette, 156 Mo. 496, 57 S. W. 551; State v. Hansbrough, 181 Mo. 348, 80 S. W. 900; Topper v. Perry, 197 Mo. 531, 95 S. W. 203. As to what is sufficient to show a common-law marriage where parties have cohabited together and held themselves out as man and wife, see Plattner v. Plattner, 116 A. 405, 91 S. W. 457; Cargile v. Wood, 63 Mo. 501; State v. St. John, 94 A. 229, 68 S. W. 374.

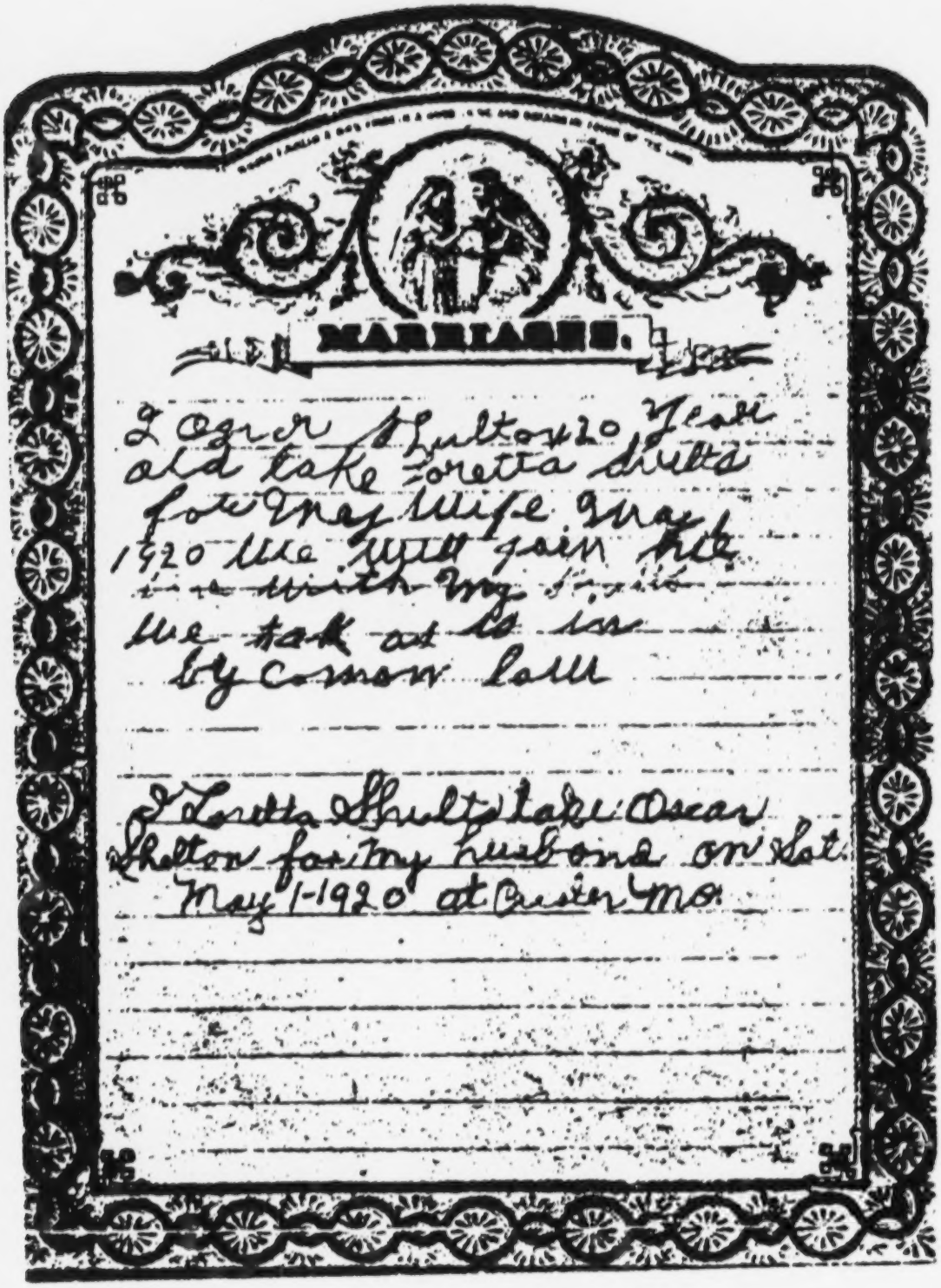
Indian marriages.—A marriage in an Indian country according to Indian customs is valid. Johnson v. Johnson's Adm'r, 30 Mo. 72; LaRiviere, v. LaRiviere, 77 Mo. 512. This is so, although the Indians are located within state lines. Boyer v. Dively, 58 Mo. 510. An Indian marriage need not be contracted on the territory occupied by them. LaRiviere v. LaRiviere, 97 Mo. 80, 10 S. W. 840. Marriage between a white man and an Indian woman, who left her tribe and came here to live with him, must be tested by the laws of Missouri. Banks v. Galbraith, 149 Mo. 529, 51 S. W. 105.

For penalties for illegally solemnizing marriages, see Sec. 4264.

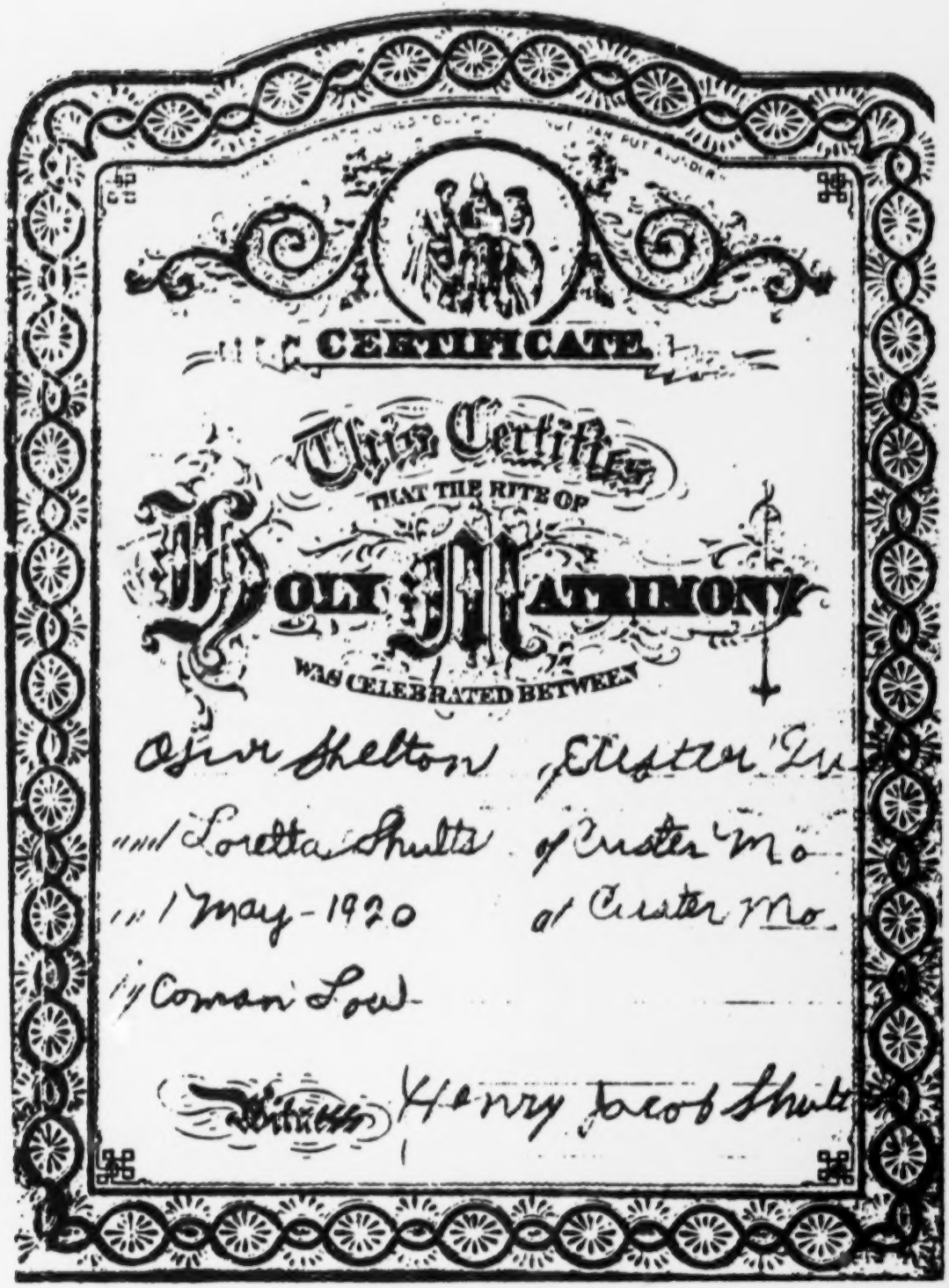
Sec. 2977. License must be obtained—marriages may be solemnized, by whom—common-law marriages null and void—not invalid under certain conditions.—Previous to any marriage in this state, a license for that purpose shall be obtained from the officer herein authorized to issue the same, and no marriage hereafter contracted shall be recognized as valid unless such license has been previously obtained, and unless such marriage is solemnized by a person authorized by law to solemnize marriages. Common-law marriages hereafter contracted shall be null and void. *Provided, however,* that no marriage shall be deemed or adjudged invalid, nor shall the validity thereof be in any way affected on account of any want of authority in any person so solemnizing the same under the next preceding section, if consummated with the full belief on the part of the persons, so married, or either of them, that they were lawfully joined in marriage. (R.S. 1919, § 7302. Amended, Laws 1921, p. 468.) (March 31, 1921.)

Where the defendant's first wife had obtained a divorce and his second marriage was void because of this and the preceding sections, the defendant could not be guilty of bigamy. State v. Wilson, 312 Mo. 84, 278 S. W. 679. This section, as amended, will not affect a common-law marriage entered into prior to the amendment. Randazzo v. Randazzo, 236 S. W. 1061.

APPENDIX C


MARRIAGES.
I Loretta Shulta take Oscar Shelton for my husband on Sat. May 1-1920 at Custer Mo.

APPENDIX D



CERTIFICATE

This Certifies

THAT THE RITE OF

HOLY MATRIMONY

WAS CELEBRATED BETWEEN

Oscar Shelton of Custer Mo.

and Loretta Shultz of Custer Mo.

on 1 May - 1920

by Coman Low

Witness Henry Jacob Shultz

APPENDIX E



STATE OF MISSOURI } ss
COUNTY OF DENT }

Book 138 Page 614

I May Stephens Clerk of the Circuit Court & Ex-Officio Recorder of Deeds in and for said County, do hereby certify that the above and foregoing is a true and correct copy of 24071 page 2 as fully as the same appears Recorded in Book 138 at page 614 in my office

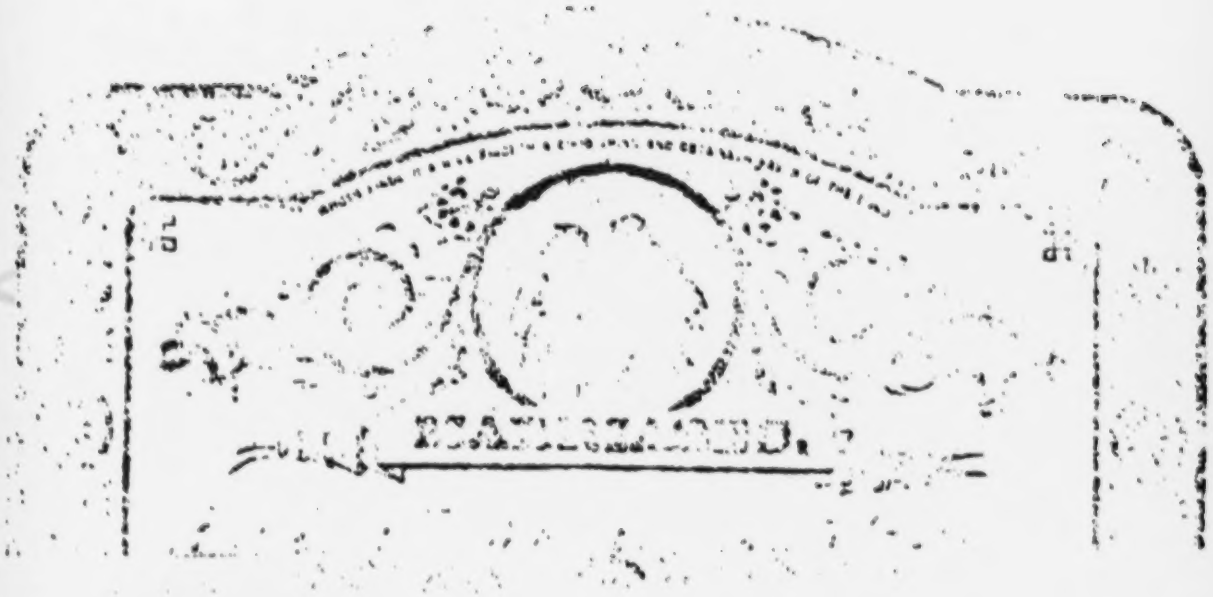
IN WITNESS WHEREOF, I have hereunto [illegible] affixed the official seal of said Court [illegible] this 9th day of June 19 80

Ann Voss-Lenz
Deputy

May Stephens
Clerk of the Circuit Court
& Ex-Officio Recorder of Deeds
Dent County, Missouri

CIRCUIT COURT * DENT COUNTY, MISSOURI

APPENDIX F



STATE OF MISSOURI }
COUNTY OF IRON } ss

Book 138 - Page 613

I, Mary Stephens Clerk of the Circuit Court & Ex-Officio Recorder of Deeds in and for said County, do hereby certify that the above and foregoing is a true and correct copy of a Deed as the same appears Recorded in Book 138 at page 613 in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court at Salem, Mo. this 1st day of Jan. 19 75

Mary Stephens
Clerk of the Circuit Court
& Ex-Officio Recorder of Deeds
Iron County, Missouri

APPENDIX G

FEE 50¢

CITY OF ST. LOUIS, MISSOURI

BUREAU OF VITAL STATISTICS

Certified Copy of Birth Record

No. 61469

appl. #13092

Registration District No. 318
Primary Registration District No. 1003

File No.
Registered No. AL-6404

1. PLACE OF BIRTH:
(a) County
(b) City or town St. Louis, Mo.
(If outside city or town limits write "rural" and name of township)
(c) Name of hospital or institution:
(If not in hospital or institution give street number or location)
(d) Mother's stay before delivery
In hospital or institution . In this community
(Specify whether years, months or days)

2. USUAL RESIDENCE OF MOTHER:
(a) State Mo.
(b) County Dent
(c) City or town Gladden
(If outside city or town limits write "rural" and name of township)
(d) Street No.
(If rural give location)

PRINT
3. Full name of child Lois Cleon Shelton
4. Date of birth October 29, 1921 (Month) (Day) (Year)
5. Sex Female
6. Twin or triplet
If so—born 1st, 2nd, or 3rd
7. Number months of pregnancy 9
8. Is mother married? Yes

FATHER OF CHILD

PRINT
9. Full name Oscar Shelton
10. Color or race W 11. Age at time of this birth 21 yrs.
12. Birthplace Custer (City, town or county) Mo. (State or foreign Country)
13. Usual occupation Farming
14. Industry or business

MOTHER OF CHILD

PRINT
15. Full maiden name Ethel Haverstick
16. Color or race W 17. Age at time of this birth 24 yrs.
18. Birthplace Dent Co. (City, town or county) Mo. (State or foreign Country)
19. Usual occupation Housewife
20. Industry or business

21. Children born to this mother:
(a) How many other children of this mother are now living? 0
(b) How many other children were born alive but are now dead? 0
(c) How many children were born dead? 0

22. Mother's mailing address for registration notice:
above

23. I hereby certify that I attended the birth of this child who was born alive at the hour 12:05 PM. on the date above stated and that the information given was furnished by Mr. & Mrs. Shelton, related to this child as parents

24. Date received by local registrar 11/8/21
25. Registrar's own signature
26. Date on which given name added by Registrar

Attendant's own signature V.K. DeKorven MD
M. D., D. O., midwife, or other Date signed
Address St. Louis, Mo.

STATE OF MISSOURI
CITY OF SAINT LOUIS } *ss.*

I HEREBY CERTIFY that the above is a true and correct copy of the certificate of birth of Lois Cleon Shelton, *filed in the office of Vital Statistics, City of St. Louis, State of Missouri, that the above certificate is filed in said office and is a part of the permanent records of the Bureau of Vital Statistics, City of St. Louis, Mo.*

WITNESS my hand as Commissioner of Health.

Done at the City of Saint Louis, this 19th *day of* Sept. 19 50,

Oscar G. Richarzen
City Register

Karl Smith M.D.
Health Commissioner

Milton Carpenter
Comptroller

Per Kathryn Middleton *Clerk*
(Write full name of clerk)

APPENDIX H

TED AND FOR SALE BY STANDARD PRINTING CO., HANNIBAL, MO.

ORDER REFUSING LETTERS FOR SPOUSE

(Personal Property Only — When no apportionment under 473.095)

(Sec. 473.090, RSMo.)

STATE OF MISSOURI,
COUNTY OF DENT } ss.

IN THE PROBATE COURT OF DENT COUNTY, MISSOURI

AT SALEM

In the estate of
OSCAR SHELTON
Deceased.

Estate No. 1583

On this 5th day of January, 19 71, the application of ETHEL SHELTON is presented to the court, and the court finds that applicant is the surviving spouse of OSCAR SHELTON, deceased, who died December 3, 19 70, domiciled in and a resident of Dent County, Missouri, survived by no unmarried minor child, and leaving an estate in this state the value of which, less liens and encumbrances, is not greater in amount than is allowed by law as exempt property and for maintenance of such spouse and unmarried minor child for one year after the death of the decedent, consisting of:

	VALUE
One (1) 1968 Ford Pickup, serial No. F10ACC31861	$ 500.00
	$ 500.00

To the end, therefore, that the said ~~XXX~~ ETHEL SHELTON surviving spouse, may be authorized and empowered to collect, sue for, and retain the aforesaid personal property;

It is ordered, adjudged and decreed that no letters shall be issued on said estate, unless, on the application of creditors or other parties interested, the existence of other or further property is shown.

(Seal)

J. Clark McMeans
Judge

BOOK ____, Page ____

Certificate

STATE OF MISSOURI,
COUNTY OF DENT } ss.

I, Eunice H. Blackwell, Clerk of the Probate Court of Dent County, Missouri, hereby certify that the foregoing is a true copy from the record as the same appears in my office.

WITNESS my hand and the seal of said court, this ____ day of January, 19 71

(Seal)

Clerk.

By ____
Deputy Clerk.

Form ____

Probate Court of ____ County, Missouri.

APPENDIX I

General Warranty Deed

35

This Deed, Made and entered into this Twelfth day of February nineteen hundred and Sixty-eight, by and between

Oscar Shelton, a single person

of the County of Dent State of Missouri party of the first part, and

Lois C. AuBuchon, nee Shelton
3533 Nebraska

of the City of St. Louis State of Missouri party of the second part.

A-96339

FILED FOR REC
DEC 19 19
at 8 o'clock 55 minut
HANCEL GROGAN, Rec
By

Witnesseth, that the said part of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said part of the second part, the receipt of which is hereby acknowledged, do by these presents, *Grant, Bargain and Sell, Convey and Confirm* unto the said part of the second part, the following described Real Estate, situated in the County of Dent and State of Missouri, to-wit:

The West Half of the Northeast Quarter and the North Half of the North Half of the Southeast Quarter, the South Half of the South-West Quarter, and the South Half of the North Half of the Southwe. Quarter, and the South Half of the Southeast Quarter, and the Sou Half of the North Half of the Southeast Quarter of Section Thirty (30); and the Northeast Quarter, and the North Half of Lots One (: and Two (2) of the Northwest Quarter of Section Thirty-one (31), i in Township Thirty-three (33) North, Range Five (5) West of the Fifth Principal Meridian.

To Have and to Hold the same, together with all rights and appurtenances to the same belonging, unto the said party of the second part, and to her and hers heirs and assigns of such party forever.

The said part y of the first part hereby covenanting that he and his heirs, executors and administrators, shall and will *Warrant and Defend* the title to the premises unto the said part y of the second part, and to her and hers heirs and assigns - forever - against the lawful claims of all persons whomsoever, excepting, however, the general taxes for the calendar year 1968 and thereafter, and the special taxes becoming a lien after the date of this deed.

In Witness Whereof, the said party of the first part has executed these presents the day and year first above written.

Oscar Shelton

2

State of Missouri, } ss. On this 12th day of February , 19 68 ,
County of St. Louis }

before me personally appeared Oscar Shelton, a single person

to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the and State aforesaid, the day and year first above written.

Karl H. Hudson
Karl H. Hudson Notary Public.

My term expires 3/30/70

State of Missouri, } ss. On this day of , 19
of }

before me appeared
to me personally known, who, being by me duly sworn, did say that he is the
of
a Corporation of the State of , and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors; and said
acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the and State aforesaid, the day and year first above written.

Notary Public.

My term expires

[illegible] is a true and correct [illegible] FILED.
[illegible] recorded in Book 145, at [illegible] 546-552 [illegible]
IN WITNESS WHEREOF, I have hereunto set my hand and affixed [illegible]
[illegible] Court at Salem, Mo., this 13 day of Sept. 68
[illegible]

APPENDIX J

[redacted] Pat 1-22819 Vol 101 Page 161 Order [redacted] [redacted] 41

1134

I Lois have the other two other Grants

THE UNITED STATES OF AMERICA,

CERTIFICATE
No. 22819

To all to whom these presents shall come, Greeting:

Whereas James Boyce, of Cape County
Missouri

has deposited in the GENERAL LAND OFFICE of the United States, a Certificate of the REGISTER OF THE LAND OFFICE at Jackson whereby it appears that full payment has been made by the said James Boyce according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An act making further provision for the sale of the Public Lands," for the South West quarter of the South East quarter of Section thirty, in Township Thirty three North, of Range five, East in the District of Lands subject to sale at Jackson, Missouri, containing forty acres

according to the official plat of the Survey of the said Lands, returned to the General Land Office by the SURVEYOR GENERAL, which said tract has been purchased by the said James Boyce,

NOW KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several acts of Congress in such case made and provided, HAVE GIVEN AND GRANTED, and by these presents DO GIVE AND GRANT, unto the said James Boyce

and to his heirs, the said tract above described: To have and to hold the same, together with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said James Boyce

and to his heirs and assigns forever.

In Testimony Whereof, I, James Buchanan PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these Letters to be made PATENT, and the SEAL of the GENERAL LAND OFFICE to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the fifteenth day of January in the year of our Lord one thousand eight hundred and fifty Eight and of the Independence of the United States the Eighty second

BY THE PRESIDENT: James Buchanan

By - Wm J. Withers Secretary.

J. M. Granger Recorder of the General Land Office.

617430

APPENDIX K

NOV 29 1977

MISSOURI STATE BOARD OF HEALTH
BUREAU OF VITAL STATISTICS
CERTIFICATE OF DEATH

30985

1. PLACE OF DEATH
County Dunklin — Registration District No. 26 b — File No.
Township Franklin — Primary Registration District No. 3315 — Registered No. 57
City — Ward

2. FULL NAME Richard Daniel Shelton

(a) Residence, No. — (Usual place of abode) — Ward
Length of residence in city or town where death occurred all his life — How long in U.S., if of foreign birth? — (If nonresident give city or town and State)

PERSONAL AND STATISTICAL PARTICULARS

3. SEX: M
4. COLOR OR RACE: White
5. If Married, Widowed, or Divorced (write the word): Married
5a. If Married, Widowed, or Divorced — HUSBAND of (or) WIFE of: Ida Shelton
6. DATE OF BIRTH (month, day and year): Feby 13-1866
7. AGE — Years: 55 — Months: 9 — Days: 17 — If LESS than 1 day, hrs. or min.
8. OCCUPATION OF DECEASED
(a) Trade, profession, or particular kind of work: Farmer
(b) General nature of industry, business, or establishment in which employed (or employer): Farming
(c) Name of employer: —
9. BIRTHPLACE (City or town) (State or country): Custer Mo
10. NAME OF FATHER: Joel Shelton
11. BIRTHPLACE OF FATHER (City or town) (State or country): Ky
12. MAIDEN NAME OF MOTHER: Sarah (Boyd)
13. BIRTHPLACE OF MOTHER (City or town) (State or country): Kansas
14. Informant: Mrs Ida Shelton (Address) Creating Tex
15. Filed 11/30 1922 W. J. McCluntock Registrar

MEDICAL CERTIFICATE OF DEATH

16. DATE OF DEATH (month, day and year): Nov 30 1922
17. I HEREBY CERTIFY, That I attended deceased from Nov 17 1922 to Nov 30 1922 that I last saw h[illegible] on Nov 28 1922 that death occurred, on the date stated above, at 1-35 A.M. P.M. The CAUSE OF DEATH was as follows:
Acute myocarditis
93A
Disease (duration) 3
CONTRIBUTORY (secondary)
(duration)
18. Where was disease contracted? if not at place of death? At Place of Abode
Was an operation performed? No. Date of
Was there an autopsy? No
What test confirmed diagnosis? None
Where was disease contracted? [illegible] C. Nelson M.D. (Address) Gideon Mo

*State the Disease Causing Death, or in deaths from Violence Causes, state (1) Means and Nature of Injury, and (2) whether Accidental, Suicidal, or Homicidal. (Use reverse side for additional space.)

19. PLACE OF BURIAL, CREMATION, OR REMOVAL: Corinth Cem — DATE OF BURIAL: 12/1 1922
20. UNDERTAKER: None — ADDRESS: —

37

APPENDIX L

NO. 83

INVENTORY, CERTIFICATE AND AFFIDAVIT

INVENTORY

Inventory if all the Real and Personal Estate of D. R. Shelton, deceased late of Dent County, Missouri describing the quanity, situation and title of the Real Estate, the books and papers, the debts due to said deceased, the named of the debtors the dates of the contracts, the amount of interest due, and the rate of interest thereon and all personal property of whatsoever charactor. Made by J. J. Cope Administrator of said deceased and _____ and _____, witnesses appointed to aid in making the same.

Dated at Dent County, Missouri, this 1st day of August, 1923.

REAL ESTATE

The S½ of the SW¼; the S½ of the N½ of the SW¼; the S½ of the SE¼; the S½ of the N½ of the SE¼ of Sec. 30, the N½ of Lots 1 and 2 of the NW¼ of Sec. 31, the W½ of the NE¼ of Sec. 30, the N½ of the N½ of the SE¼ of Sec. 30, all in Twp. 33 N, Range 5 West, Dent County, Missouri. Containing 600 acres, more or less.

$6,000.00

Personal Property listed (not concerned with this abstract.)

Debt was on My Father To Pay Oscar Shelton From His Father Will 1922

CERTIFICATE OF WITNESSES

WE, the undersigned witnesses appointed by the Probate Court, County of Dent, State of Missouri, to accompany and all the J. J. Cope administrator in opening and examining the papers and money of D. R. Shelton, deceased late of Dent County, Missouri, and in making an inventory of them, and all property assembled at the late residence of said deceased on the first day of August, A.D. 1923 and then and then performed the duty assigned to us and certify the foregoing to be a full and complete inventory of the same.

I. S. Duckworth

Dated August 1, 1923.

R. H. Welch

THE FEDERAL LAND BANK OF ST. LOUIS

AGENT OF THE LAND BANK COMMISSIONER AND THE
FEDERAL FARM MORTGAGE CORPORATION

FARM CREDIT ADMINISTRATION—SIXTH DISTRICT

ILLINOIS, MISSOURI, ARKANSAS

No. 791

ST. LOUIS 3, MISSOURI
July 11, 1945

First National Bank
Salem, Missouri

REGISTERED MAIL

Gentlemen:

Re: Your Loan No. FNM 14646

Enclosed are the following papers in connection with the above loan, on which full payment has been received:

Abstract of Title in 5 part(s)

Exhibit consisting of miscellaneous papers
held in connection with the abstract
of title - none

The note(s), stamped "Paid" and properly assigned for satisfaction of the record only, and deed(s) of trust have been sent to the national farm loan association and will be delivered to you after the lien(s) have been released of record.

cc Dent Co. NFLA
Missouri

cc Mr. Oscar Shelton
Jadwin, Missouri

Very truly yours

E. B. Herris, Manager
Closing Division

APPENDIX M

CURRENT TAX RECEIPT 1971

STATE OF MISSOURI,
COUNTY OF DENT

Dec. 8, 1970

Received of Oscar L. Helton
Jadwin, Mo. DOLLARS 100

No. 2361

Being the amount of State Tax, County Revenue Hospital Tax and School Taxes,
Assessed for the year 1971 in Dent County, Missouri, or as detailed below.

PARTS OF SECTION	S	T	R	CURRENT NUMBER	VALUATION	STATE TAX	CO. REVENUE FUND	HEALTH	CO. & I	SCHOOL DIST	SCHOOL TAX	TOTAL
VAL Livestock					2950	.89	20.65	2.95	10	R-1	95.88	141.03
Farm				1252	3200	.96	22.40	3.20	11.	1	104.00	152.96
"				1258	1590	.48	11.13	1.59	5	1	51.68	76.02
				5400	1200	.36	8.40	120	4.	80	45.00	63.36
Town				6452	1200	.36	8.40	1.20	4.	80	45.00	63.36
												496.73

I other than by cash, is invalid until payment has cleared.

month after Dec. 31st

Dec. 31st

TOTAL

E M
DEPUTY COLLECTOR

Maurice A. Flatt
COLLECTOR

APPENDIX O

School Dist. No. 15 County of Washington For the Year 1933.
Name of Parent
(or Guardian) Oscar Shelton Post Office Ochelata.

Township or St. _____ Section or St.No. _____.

Name of Tribe _____ (If Indian)

.

Name of Child	Color	Sex	Date of Birth Month	Day	Year	Age	Place of Birth
Lois C. Shelton	W	F	October	29	1921		

I hereby Declare under oath that the above is a true and correct statement of the facts given; that I am a legal resident of the above School District and the names and ages of all persons of school age correct as written above.

Mrs. Shelton Parent or Guardian

Subscribed and sworn to before me this the 17 day of Jan, 1933.

C. Davis Enumerator

BARTLESVILLE, OKLAHOMA

Date March 31, 1980

TO WHOM IT MAY CONCERN:

I hereby certify that the foregoing is a true and correct copy taken from the scholastic census report of School District No. [illegible] Washington County, Oklahoma, as of Jan. 17 19 33.

Mike Berliss By Ikie Bell Tate
County Superintendent of Schools
Washington County, Oklahoma

Department of Social Services
MISSOURI DIVISION OF HEALTH
JEFFERSON CITY, MISSOURI

Certified Copy of Birth Record

This is to Certify That there is in the Unit of Vital Records of the Division of Health a record with State File No. 124-27-20280 and filing date May 8, 1927 which shows that Betty Jane Haverstick Sex Female was born on April 10, 1927 in Shannon County, MISSOURI.

The original record was amended to read as shown above on _____.

In witness whereof, the seal of THE DIVISION OF HEALTH OF MISSOURI has been affixed hereto on December 28, 1978.

Herbert R Bowles MD

STATE REGISTRAR

WARNING: *This document is not valid if it has been altered in any manner whatsoever, including photographic reproduction. Do not accept if raised seal of* DIVISION OF HEALTH *is missing.*

VS 180 - Rev. 6/61

APPENDIX Q

A P P E A R A N C E S:

Mr. William E. Seay
Salem, Missouri and
Mr. Dorman L. Steelman
Salem, Missouri
Attorneys for Ethel Shelton, Administratrix of the Estate of Oscar Shelton, Deceased.

Mr. J. Max Price
Salem, Missouri and
Mr. B. B. Turley
Rolla, Missouri
Attorneys for Lois Aubuchon, Petitioner.

* * * * *

I N D E X

	D	C	RD	RC
ETHEL SHELTON	3	7	44	47
ELLA HAVERSTICK	56	59	66	
WILLIAM HAVERSTICK	68	71		

* * * * *

It is hereby stipulated and agreed by and between the petitioner and defendant, by their attorneys, that the depositions of ETHEL SHELTON, ELLA HAVERSTICK and WILLIAM HAVERSTICK may be taken in the above case, on the part of the defendant, at the Circuit Courtroom, in the Courthouse, in the City of Salem, Missouri, Dent County, Missouri, between the hours of eight o'clock A. M. and six o'dock P. M. on the 3rd day of

A I come to see him and he wasn't at home. He was - - I don't remember if he sold some hogs or shipping some hogs or what. He was hauling some hogs to Salem and they was over there at the railroad track around the scale yard, somewhere over there unloading their hogs. They had them unloaded.

Q You and he talked together?

A There was him and I, yes, and my brother and my brother-in-law and me is the ones who did the talking. There was another party there. I can't recall his name now. He was at one of the trucks hauling the hogs. I know his name but I can't recall it now.

Q You say, "We are the ones who done the talking."

A Yes.

Q Are you talking about you, your brother and brother-in-law?

A And Oscar.

Q The four of you did the talking?

A That is right, the four of us.

Q I thought you meant you, the Haversticks, did the talking.

A No, my brother and brother-in-law and I.

Q Did you make demand on him to marry your sister?

A Not necessarily make any demand, no, but we insisted on it and talked to him about it, yes.

Q No arms?

A No.

Q It is rather clear that on the day you went to find Oscar Shelton you went in force of three - -

MR. STEELMAN: I object to the form of this question, even though it is cross-examination, it is argumentative, repetition. The gentleman has answered the question about three times on the subject.

Q Did you say you went to insist that Oscar Shelton marry your sister?

A I went to talk to him about marrying her.

Q I believe you used the word insist.

A No, I didn't use the word insist. We went to see him. You asked me if there were any threats and I said we didn't, that we insisted on him marrying her, that we didn't make any threats.

MR. STEELMAN: Mr. Haverstick, I am going to ask you this question. You have a right to read what you have said after it has been typed and sign it or you have a right to waive your signature. Which do you prefer to do?

A I waive it. I accept as true what it is taken down and typed.

Q So, you waive your signature?

A I do, sir.

(Witness is excused)

APPENDIX R

No. 1330

Application for License to Marry

(AFFIDAVIT OF MALE)

STATE OF MISSOURI,
County of Dent } ss.

I, Oscar Daniel Shelton of Custer in the county of Dent and State of Missouri, desiring to procure a License to Marry Ethel Haverstick of Gladden in the county of Dent and State of Missouri do solemnly swear that I am of the age of 27 years, and that the said Ethel Haverstick is of the age of 30 years, and that we are both single and unmarried; that we are not first cousins, or related in any greater degree, and may lawfully contract and be joined in marriage.

And ..... attesting witness, on his oath says he is well acquainted with the party named in the foregoing application, and verily believes the statements herein made are true.

O Scar Shelton

Subscribed and sworn to before me this 13th day of Aug 1927

Witness to mark ✓

Witness to mark ✓

Attest: ✓

Wm D. Welch Recorder

By Ella Jones Deputy Recorder.

(AFFIDAVIT OF FEMALE) not fill out ✓

STATE OF MISSOURI,
County of ..... } ss.

I, ... do hereby solemnly swear that I am the person named in the above Application for a Marriage License, and that I am of the age of ..... years, and that I am single and unmarried, that I am not related to the above applicant as first cousin, or in any greater degree, and may lawfully contract and be joined in marriage. ✓

Subscribed and sworn to before me this ..... day of ..... 19.....

Witness to mark .....

Witness to mark .....

..... Recorder

By ..... Deputy Recorder.

(CONSENT OF PARENTS OR GUARDIAN TO MARRIAGE OF A MINOR)

STATE OF MISSOURI,
County of ..... } ss.

I, ... do hereby solemnly swear that I am the ..... of ..... the person named in the foregoing Application for a Marriage License, and do hereby give my consent to ..... marriage.

Subscribed and sworn to before me this ..... day of ..... 19.....

Witness to mark .....

Witness to mark .....

..... Recorder

By ..... Deputy Recorder.

Application not filled out.
Not Recorded in Book or Page

STATE OF MISSOURI } ss
COUNTY OF DENT }

I, Mary Stephens, Clerk of the Circuit Court & Ex-Officio Recorder of Deeds in and for said County, do hereby certify that the above and foregoing is a true and correct copy of application as fully as the same appears Recorded in Book ____ on file ____ at page ____ in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Court at Salem, Mo. this 9 day of June 1980

Deputy

Mary Stephens
Clerk of the Circuit Court
& Ex-Officio Recorder of Deeds
Dent County, Missouri

APPENDIX S

JAMES C. KIRKPATRICK
SECRETARY OF STATE

STATE OF MISSOURI
OFFICE OF SECRETARY OF STATE
JEFFERSON CITY 65101
Area Code 314—Telephone 751-3280

January 14, 1975

Good morning Mrs. Aubuchon:

Enclosed are xeroxed copies of Dent County officials from 1924-1936, as you requested.

The Civil Registers of county officials no longer list Justices of the Peace. Deputies of Recorder of Deeds are not given. However, if you notice the list from the Official Manual, 1933-1934, the name of Mrs. Ella Jones appears not only as Recorder of Deeds but also as clerk of the Circuit Court.

For Ike Epstein, as a Justice of the Peace, you might write to the city clerk of Salem if he lived in the county seat.

Thank you for writing. If we may help you in the future, we shall be glad to do so.

Cordially,

James C. Kirkpatrick

Mrs. R. L. Aubuchon
3533 Nebraska
St. Louis, Missouri

APPENDIX T

→ **WARNING:** ALTERATION, ADDITION OR MUTILATION OF ENTRIES IS PROHIBITED. ANY UNOFFICIAL CHANGE WILL RENDER THIS PASSPORT INVALID.

NAME - NOM LOIS CLEON SHELTON AU BUCHON	
BIRTH DATE - DATE DE NAISSANCE OCT. 29, 1921	BIRTHPLACE - LIEU DE NAISSANCE MISSOURI, U.S.A.
HEIGHT - TAILLE 4 FEET PIEDS 11 INCHES POUCES	HAIR - CHEVEUX GRAY EYES - YEUX HAZEL
WIFE / HUSBAND - EPOUSE / EPOUX X X X	ISSUE DATE - DATE DE DELIVRANCE SEPT. 21, 1976
MINORS - ENFANTS MINEURS X X X	EXPIRATION DATE DATE D'EXPIRATION → SEPT. 20, 1981
	Lois C. Shelton Buchon SIGNATURE OF BEARER SIGNATURE DU TITULAIRE

→ **IMPORTANT:** THIS PASSPORT IS NOT VALID UNTIL SIGNED BY THE BEARER. PERSONS INCLUDED HEREIN MAY NOT USE THIS PASSPORT FOR TRAVEL UNLESS ACCOMPANIED BY THE BEARER.

Lois C. Shelton Buchon

